IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

JOHN MAURITZ HUMMASTI,

      Plaintiff,

3:13-CV-1192-PK

OPINION AND
ORDER

v.

MILO PETRANOVICH,

      Defendant.

SIMON, District Judge:

      Plaintiff John Mauritz Hummasti filed this *pro se* action against defendant Milo

Petranovich on July 10, 2013. For the reasons set forth below, Hummasti's action is dismissed

without prejudice pursuant to Federal Civil Procedure Rule 12(h)(3).

      Analysis of the allegations in support of Hummasti's complaint establishes that Hummasti

brings a single claim of legal malpractice against Petranovich. Hummasti's claim and supporting

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allegations do not give rise to any essential federal question; to the contrary, Hummasti's claim appears to be governed by the laws of the State of Oregon. Moreover, nothing in Hummasti's complaint suggests that this court could properly exercise diversity jurisdiction over this action.
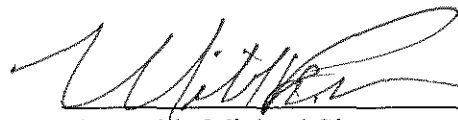
On July 23, 2013, Judge Papak ordered Hummasti to show cause why his action should not be dismissed for lack of federal subject-matter jurisdiction. Hummasti timely responded to that order. Analysis of Hummasti's response does not indicate that Hummasti's claims give rise to any necessary federal question.

Federal Civil Procedure Rule 12(h)(3) provides that "[i]f the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action." Fed. R. Civ. P. 12(h)(3); *see also Cal. Diversified Promotions, Inc. v. Musick*, 505 F.2d 278, 280 (9th Cir. 1974) ("It has long been held that a judge can dismiss *sua sponte* for lack of jurisdiction"). In the absence of any grounds for the exercise of federal subject-matter jurisdiction over Hummasti's claim, Hummasti's action is dismissed without prejudice in its entirety for lack of subject-matter jurisdiction.

CONCLUSION

For the reasons set forth above, Hummasti's action is dismissed without prejudice in its entirety. A final judgment shall be prepared.

DATED this 30th day of August, 2013.

Honorable Michael Simon
United States District Judge